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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,080	06/15/2001	David W. Cuccia	PHA 23, 280A	8804

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

YENKE, BRIAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,080

Applicant(s)

CUCCIA, DAVID W.

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) ____ is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) ____ is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02Nov04 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 November 2004 has been entered.
2. Applicant's arguments with respect to claim 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sporer et al. 6,167,083. in view of Andrew et al. 5,428,403 and Freeman US 20020188943.

In considering claim 14,

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Sporer et al. discloses a computer system and process for capture and playback of motion video compression using interframe and intraframe techniques. Sporer et al. discloses the following limitations:

- a) the claimed memory for storing compressed video is met by the storage system 34 column 5, lines 29-47 and Fig. 1;
- b) the claimed tag inserter, for inserting marker tags into each picture of the compressed video stream which reference locations in memory where each picture of the video is stored is met by the description at column 9, lines 9-22 and column 8, lines 45-52, where the field index is considered as the marker tags and the creating of such index for each image is immanently includes the inserter;
- c) the claimed decompressor for decompressing the compressed video is met by the description at column MPEG decoder (column 6, liens 35-38, column 9, lines 9-14), where decompressor is inherently included to render the decompressed motion video for displaying; and d) the claimed correlator for using the marker tags to correlate decompressed portions of the video to the location in memory of the corresponding compressed portions is met by the description at column 6, lines 35-38 , column 10, lines 35-49 and column 9, lines 9-22, in which the described steps in column 10 and 9 which performs the correlations function for locating and correlating the compressed picture with the corresponding video field with the decompressed motion video.

However, Sporer et al. does not explicitly teach that the video decoder for providing the instant replay of video that has been compressed and variable length coded.

Nevertheless, Sporer et al. teaches the video decoder for providing instant replay for video as described by the description at column 5, lines 33-49, in which the random access of each intraframe compressed image encompasses the replaying of the video. Sporer et al. also teaches that the compressed video signal is formatted according to MPEG-2 compression as described at column 6, lines 39-46.

Furthermore, the reference of Andrew et al. teaches that it is commonly-known in the art that the MPEG encoding format bit stream are encoded by variable length code I (column 12, lines 36-40) which has a shorter vectors and uses fewer bits.

Therefore, it is submitted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the Sporer et al. with the video that has been compressed and variable length coded in according with the MPEG compression.

However, the combination of Sporer and Andrew does not explicitly teach locating the nearest previously displayed anchor frame in memory.

Though it is noted by the examiner that in order to display/decode MPEG data prior anchor frames are required in order to decode the B and P frames.

Nonetheless the examiner incorporates Freeman which discloses that in order to reconstruct the full video image the decoder needs two prior anchor frames (I's

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and P's) to decode B frames and only one prior anchor frame when decoding P frames (para 115).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Sporer and Andrew which teaches the instant replay of MPEG formatted data with Freeman by locating the in the memory the nearest previously display anchor frame(s) in order to reconstruct the full video image.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature

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or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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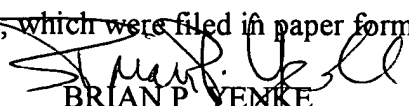
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General information brochures can also be obtained in person from the Patent Search Room located in Crystal Plaza 3, Room 1A03, 2021 South Clark Place, Arlington, VA 22202.

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PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



BRIAN P. YENKE
Primary Examiner
Art Unit 2614



B.P.Y.

25 January 2005